

IN RE: PETITION FOR ADMIN. VARIANCE	* BEFORE THE
E/S Thackery Avenue, 120' SW of	* DEPUTY ZONING COMMISSIONER
the c/l Ridge Road	* OF BALTIMORE COUNTY
(303 Thackery Avenue)	* Case No. 99-50-A
1st Election District	*
1st Councilmanic District	
Robert J. Holden, et ux	
Petitioners	

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner for consideration of a Petition for Administrative Variance filed by the owners of the subject property, Robert J. and Jeanne M. Holden. The Petitioners seek relief from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a side yard setback of 4 feet in lieu of the required 15 feet for a proposed 7' x 9' addition. The subject property and relief sought are more particularly described on the site plan submitted which was accepted and marked into evidence as Petitioner's Exhibit 1.

The Petitioners have filed the supporting affidavits as required by Section 26-127 (b)(1) of the Baltimore County Code. The subject property having been posted and there being no requests for a public hearing, a decision shall be rendered based upon the documentation contained within the case file. Based upon the information available, there is no evidence in the file to indicate that the requested variances would adversely affect the health, safety or general welfare of the surrounding community and should therefore be granted. In the opinion of the Deputy Zoning Commissioner, the information, pictures, and affidavits submitted provide sufficient facts that comply with the requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

ORDER RECEIVED FOR FILING

Date

By

[Handwritten signature and date 8/26/98]

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 26th day of August, 1998 that the Petition for Administrative Variance seeking relief from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a side yard setback of 4 feet in lieu of the required 15 feet for a proposed 7'x9' addition, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

Timothy M. Kotroco
TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

- 2 -



Baltimore County
Zoning Commissioner
Office of Planning

Suite 405, County Courts Bldg.
401 Bosley Avenue
Towson, Maryland 21204
410-887-4386

August 26, 1998

Mr. & Mrs. Robert J. Holden
303 Thackery Avenue
Baltimore, Maryland 21228

RE: PETITION FOR ADMINISTRATIVE VARIANCE
E/S Thackery Avenue, 120' SW of the c/l Ridge Road
(303 Thackery Avenue)
1st Election District - 1st Councilmanic District
Robert J. Holden, et ux - Petitioners
Case No. 99-50-A

Dear Mr. & Mrs. Holden:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Administrative Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Permits and Development Management Office at 887-3391.

Very truly yours,

A handwritten signature in cursive script, reading "Timothy Kotroco".

TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

cc: People's Counsel

File





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Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 303 Thackeray Avenue
which is presently zoned DR 2

This Petition shall be filed with the Dept. of Permits & Development Management

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 1 B02.3. C. 1 to Permit a

sideyard setback of 4 ft. in lieu of the required 15 ft.
(For a proposed addition)

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty)

1. Addition to house - 7' x 9' comes within 4' of property line.

SEE AFFIDAVIT

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser/Lessee

(Type or Print Name)

Signature

Address

City

State

Zipcode

Attorney for Petitioner.

(Type or Print Name)

Signature

Address

Phone No

City

State

Zipcode

Legal Owner(s)

(Type or Print Name)

Signature

(Type or Print Name)

Signature

Address

Phone No

City

State

Zipcode

Name, Address and phone number of representative to be contacted

Name

Address

Phone No.

A Public Hearing having been requested and/or found to be required, it is ordered by the Zoning Commissioner of Baltimore County, this ____ day of _____, 19____ that the subject matter of this petition be set for a public hearing, advertised, as required by the Zoning Regulations of Baltimore County, in two newspapers of general circulation throughout Baltimore County, and that the property be reposted.

Zoning Commissioner of Baltimore County

REVIEWED BY: JL DATE: 7/30/98

ESTIMATED POSTING DATE: 8/9/98

Printed with Soybean Ink
on Recycled Paper

ITEM #: 50

99.50-A

ORDER RECEIVED FOR FILING

Date 8/20/98

Affidavit in support of Administrative Variance

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows:

That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) does/do presently reside at 303 Thackeray Avenue
address
Balto MD 21228
City State Zip Code

That based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative Variance at the above address: (indicate hardship or practical difficulty)

SEE ATTACHED

That Affiant(s) acknowledge(s) that if a protest is filed, Affiant(s) will be required to pay a reposting and advertising fee and may be required to provide additional information.

Robert J. Holden
(signature)
Robert J. Holden
(type or print name)



Leanne M. Holden
(signature)
Leanne M Holden
(type or print name)

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 8 day of July, 19 98, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

Robert J Holden and Leanne M Holden

the Affiants(s) herein, personally known or satisfactorily identified to me as such Affiant(s), and made oath in due form of law that the matters and facts hereinabove set forth are true and correct to the best of his/her/their knowledge and belief.

AS WITNESS my hand and Notarial Seal.

July 8, 1998
Date

William P. Fisher III
NOTARY PUBLIC

My Commission Expires:

William P. Fisher III
Notary Public Howard County, MD
My Commission Expires Dec. 5, 2001

A-02.99

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Robert and Jeanne Holden
303 Thackery Avenue
Catonsville, MD 21228

July 29, 1998

Zoning Review
Department of Permits and Development Management
111 West Chesapeake Avenue
Room 111
Towson, Md 21204

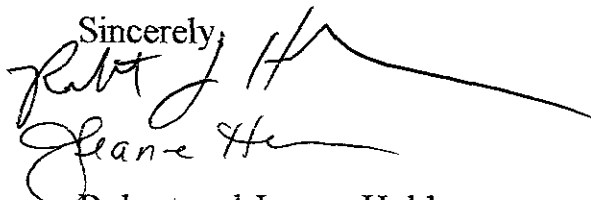
Dear Zoning Commissioner,

We are requesting a variance to construct a small 7' x 9' kitchen addition onto the northside of our house. The house, which is 60 years old, has it's original kitchen in place. With a growing family, we are in great need of additional space, especially in the kitchen area. It would be too costly to move the kitchen to any other area of the house, as this would entail rearranging the entire layout of the first floor of the house. If a variance is granted, we plan to build a "non-intrusive" addition which will blend with the houses originality and cottage charm.

Our neighbors, Mike and Lisa Dunegan, who live next door at 301 Thackery Avenue, and who are the persons "most likely" affected by the addition, have been very supportive with our plans. We have shared with them the architects plans as well as the plans for subsequent landscaping.

We understand that the zoning in our neighborhood has been downgraded, making it even more difficult for improvements. It is our hope that you will grant this variance.

Sincerely,



Robert and Jeanne Holden

ORDER RECEIVED FOR FILING
Date 8/2/98
BY [Signature]

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Zoning Description

Zoning Description for 303 Thackery Avenue

Beginning at a point on the east side of Thackery Avenue which is 40' at the distance of 20' southwest of the centerline of the nearest improved intersecting street Ridge Road which is 40' wide. Being Lot # 211-214 in the subdivision of Oak Forest Park as recorded in Baltimore County Plat Book # 5, Folio # 90, containing 15,000 square feet. Also known as 303 Thackery Avenue and located in the 01 Election District, 1st Councilman District.

99-50-A

BALTIMORE COUNTY, MARY
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

ID

JL #50

No.

046730

DATE 7/30/98

ACCOUNT

R0016150

AMOUNT \$

50.00

RECEIVED
FROM:

HOLDEN

FOR:

RV (ADMIN) FILING

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

PAID RECEIPT

PROCESS

ACTUAL

TIME

7/30/1998

7/30/1998

10:43:05

ISS 8004

CASHIER

KEVIN EMM

DRIVER

5 MISCELLANEOUS CASH RECEIPT

Receipt #

061923

OF NO. 046730

50.00 CHECK

Baltimore County, Maryland

99-50-A

CASHIER'S VALIDATION

CERTIFICATE OF POSTING

RE: Case No.: 99-50-A

Petitioner/Developer: _____

ROBERT & JEANNE HOLDEN

Date of Hearing/Closing: 8/24/98

Baltimore County Department of
Permits and Development Management
County Office Building, Room 111
111 West Chesapeake Avenue
Towson, MD 21204

Attention: Ms. Gwendolyn Stephens

Ladies and Gentlemen:

This letter is to certify under the penalties of perjury that the necessary sign(s) required by law
were posted conspicuously on the property located at _____

303 THACKERY AVE.

The sign(s) were posted on 8/9/98
(Month, Day, Year)

CASE # 99-50-A

Sincerely,

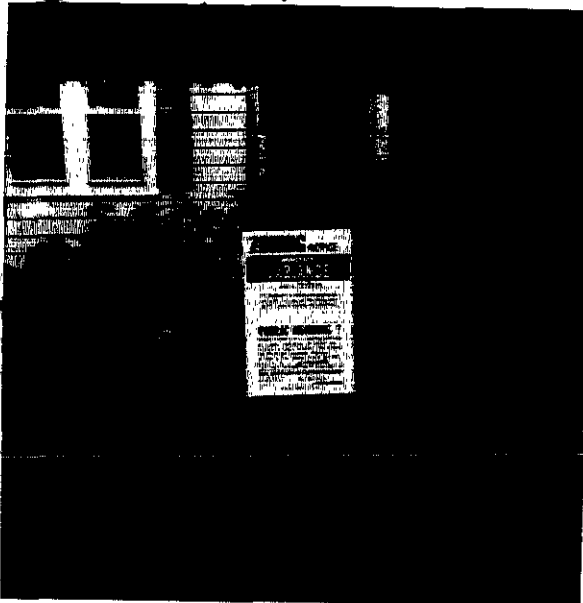
Richard E. Hoffman 8/9/98
(Signature of Sign Poster and Date)

RICHARD E. HOFFMAN
(Printed Name)

904 DELWOOD DR.
(Address)

FALLSTON, MD. 21047
(City, State, Zip Code)

(410) 875-3122
(Telephone Number)



303 THACKERY AVE

POSTED 8/9/98

Richard E. Hoffman 8/9/98

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 99- 50 -A Address 303 THACKERY AVE.
Contact Person: JOHN LEWIS Phone Number: 410-887-3391
Planner, Please Print Your Name
Filing Date: 7/30/98 Posting Date: 8/9/98 Closing Date: 8/24/98

Any contact made with this office regarding the status of the administrative variance should be through the contact person (planner) using the case number.

1. **POSTING/COST:** The petitioner must use one of the sign posters on the approved list (on the reverse side of this form) and the petitioner is responsible for all printing/posting costs. Any reposting must be done only by one of the sign posters on the approved list and the petitioner is again responsible for all associated costs. The zoning notice sign must be visible on the property on or before the posting date noted above. It should remain there through the closing date.
2. **DEADLINE:** The closing date is the deadline for an occupant or owner within 1,000 feet 0to file a formal request for a public hearing. Please understand that even if there is no formal request for a public hearing, the process is not complete on the closing date.
3. **ORDER:** After the closing date, the file will be reviewed by the zoning or deputy zoning commissioner. He may: (a) grant the requested relief; (b) deny the requested relief; or (c) order that the matter be set in for a public hearing. You will receive written notification (typically within 7 to 10 days of the closing date) as to whether the petition has been granted, denied, or will go to public hearing. The order will be mailed to you by First Class mail.
4. **POSSIBLE PUBLIC HEARING AND REPOSTING:** In cases that must go to a public hearing (whether due to a neighbor's formal request or by order of the zoning or deputy zoning commissioner), notification will be forwarded to you. The sign on the property must be changed giving notice of the hearing date, time and location. As when the sign was originally posted, certification of this change and a photograph of the altered sign must be forwarded to this office.

(Detach Along Dotted Line)

Petitioner: This Part of the Form is for the Sign Poster Only

USE THE ADMINISTRATIVE VARIANCE SIGN FORMAT

Case Number 99- 50 -A Address 303 THACKERY AVE
Petitioner's Name HOLDEN Telephone 410 747 8525
Posting Date: 8/9/98 Closing Date: 8/24/98
Wording for Sign: To Permit ~~A~~ A SIDE YARD SETBACK OF 4 FT. IN LIEU OF
THE REQUIRED 15 FT. (FOR A PROPOSED ADDITION)

**DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW**

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The Baltimore County Zoning Regulations (BCZR) require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of the petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least fifteen (15) days before the hearing.

Zoning Review will ensure that the legal requirements for advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements. The newspaper will bill the person listed below for the advertising. This advertising is due upon receipt and should be remitted directly to the newspaper.

OPINIONS MAY NOT BE ISSUED UNTIL ALL ADVERTISING COSTS ARE PAID.

For Newspaper Advertising:

Item Number or Case Number: 303 Thackery 99-50-A
Petitioner: Holden
Address or Location: 303 Thackery Ave

PLEASE FORWARD ADVERTISING BILL TO:

Name: Robert and Jeanne Holden
Address: 303 Thackery Avenue
Catonsville, MD 21228
Telephone Number: HM 410-747-8525 WK 410-744-4664



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

August 19, 1998

Mr. & Mrs. Robert J. Holden
303 Thackery Avenue
Baltimore, MD 21228

RE: Item No.: 50
Case No.: 99-50-A
Location: 303 Thackery Avenue

Dear July 30, 1998:

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM), on .

The Zoning Advisory Committee (ZAC), which consists of representatives from several Baltimore County approval agencies, has reviewed the plans that were submitted with your petition. All comments submitted thus far from the members of the ZAC are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to ensure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. All comments will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency.

Very truly yours,

W. Carl Richards, Jr.
Zoning Supervisor
Zoning Review

WCR:ggs

Enclosures



BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits
and Development Management

DATE: August 11, 1998

FROM: Arnold F. 'Pat' Keller, III, Director
Office of Planning

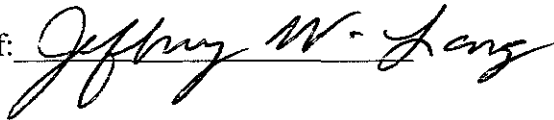
SUBJECT: Zoning Advisory Petitions

The Planning Office has no comments on the following petitions (s):

Item Nos. 46 & 50

If there should be any questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at (401) 887-3480.

Section Chief:



AFK/JL

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits & Development
Management

Date: August 18, 1998

FROM: *fwb* Robert W. Bowling, Chief
Development Plans Review Division

SUBJECT: Zoning Advisory Committee Meeting
for August 17, 1998
Item Nos. 044, 045, 046, 047, 048,
049, 050, 051, 052, 053, 054

Revised Plats for Reclassification
Case #CR-98-367-A
(7218 Windsor Mill Road)

Revised Petition; Environmental
Impact Statement, Description, and
Plats for Reclassification
Case #R-97-465
(1856 Reisterstown Road)

The Development Plans Review Division has reviewed the subject zoning items, and we have no comments.

RWB:HJO:jrb

cc: File



Baltimore County
Fire Department

Office of the Fire Marshal
700 East Joppa Road
Towson, Maryland 21286-5500
(410)887-4880

AUG. 12, 1998

Arnold Jablon, Director
Zoning Administration and Development Management
Baltimore County Office Building
Towson, MD 21204
MAIL STOP-1105

RE: Property Owner: SEE BELOW

Location: DISTRIBUTION MEETING OF AUG. 10, 1998.

Item No.: SEE BELOW

Zoning Agenda:

Gentlemen:

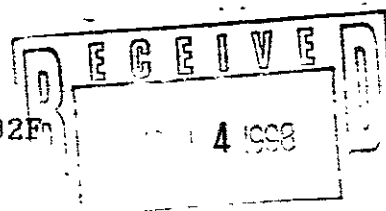
Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

8. The Fire Marshal's Office has no comments at this time,
IN REFERENCE TO THE FOLLOWING ITEM NUMBERS: 044, 045, 046,
047, 048, 049, 050, 051 AND 053.

REVIEWER: LT. ROBERT P. SAUERWALD

Fire Marshal Office, PHONE 887-4881, MS-1102F

cc: File



Printed with Soybean Ink
on Recycled Paper

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT
INTER-OFFICE CORRESPONDENCE

TO: POM

FROM: R. Bruce Seeley . ADS/98
Permits and Development Review
DEPRM

SUBJECT: Zoning Advisory Committee
Meeting Date: 8/10/98

DATE: 8/13/98

The Department of Environmental Protection & Resource Management has no comments for the following Zoning Advisory Committee Items:

Item #'s:

~~44~~
44
47
48
(50)
51
52
54

RBS:sp

BRUCE2/DEPRM/TXTS8P



**Maryland Department of Transportation
State Highway Administration**

Parris N. Glendening
Governor

David L. Winstead
Secretary

Parker F. Williams
Administrator

Ms. Gwen Stephens
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204

RE: Baltimore County 8-11-94
Item No. 050 JLL

Dear Ms. Stephens:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

Please contact Larry Gredlein at 410-545-5606 or by E-mail at (lgredlein@sha.state.md.us).

Thank you for the opportunity to review this item.

Very truly yours,

R. J. Gredlein
for Ronald Burns, Chief
Engineering Access Permits
Division

LG

My telephone number is _____

Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

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Mr. and Mrs. Michael Dunegan
301 Thackery Avenue
Catonsville, MD 21228

July 29, 1998

Zoning Review
Department of Permits and Development Management
111 West Chesapeake Avenue
Room 111
Towson, MD 21204

Dear Zoning Commissioner,

Our next door neighbors, Robert and Jeanne Holden, at 303 Thackery Avenue have discussed their 7' x 9' kitchen addition with us. We understand that the addition will be 4' from the property line. We have no objection.

Please contact us should you have any questions regarding this matter.

Sincerely,

Michael Dunegan
Lisa Dunegan

Michael Dunegan
Lisa Dunegan

99.50.A

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7/30/98

APP. REQUESTS ~~TO~~ FILE AT OWN RISK
WITHOUT PHOTOS UNDERSTANDS THAT THESE
ARE REQUIRED AND WILL PROVIDE SAME WELL
IN ADVANCE OF THE HEARING CHALLENGE DEADLINE.

Jeanne M. Holden 7/30/98

99-50-A

Plat to accompany Petition for Zoning ☒ Variance ☐ Special Hearing

PROPERTY ADDRESS: 303 Thacker Avenue

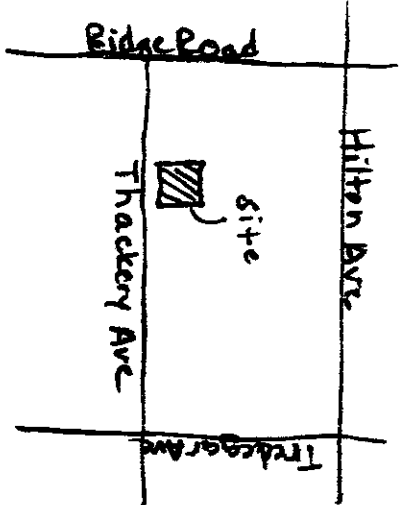
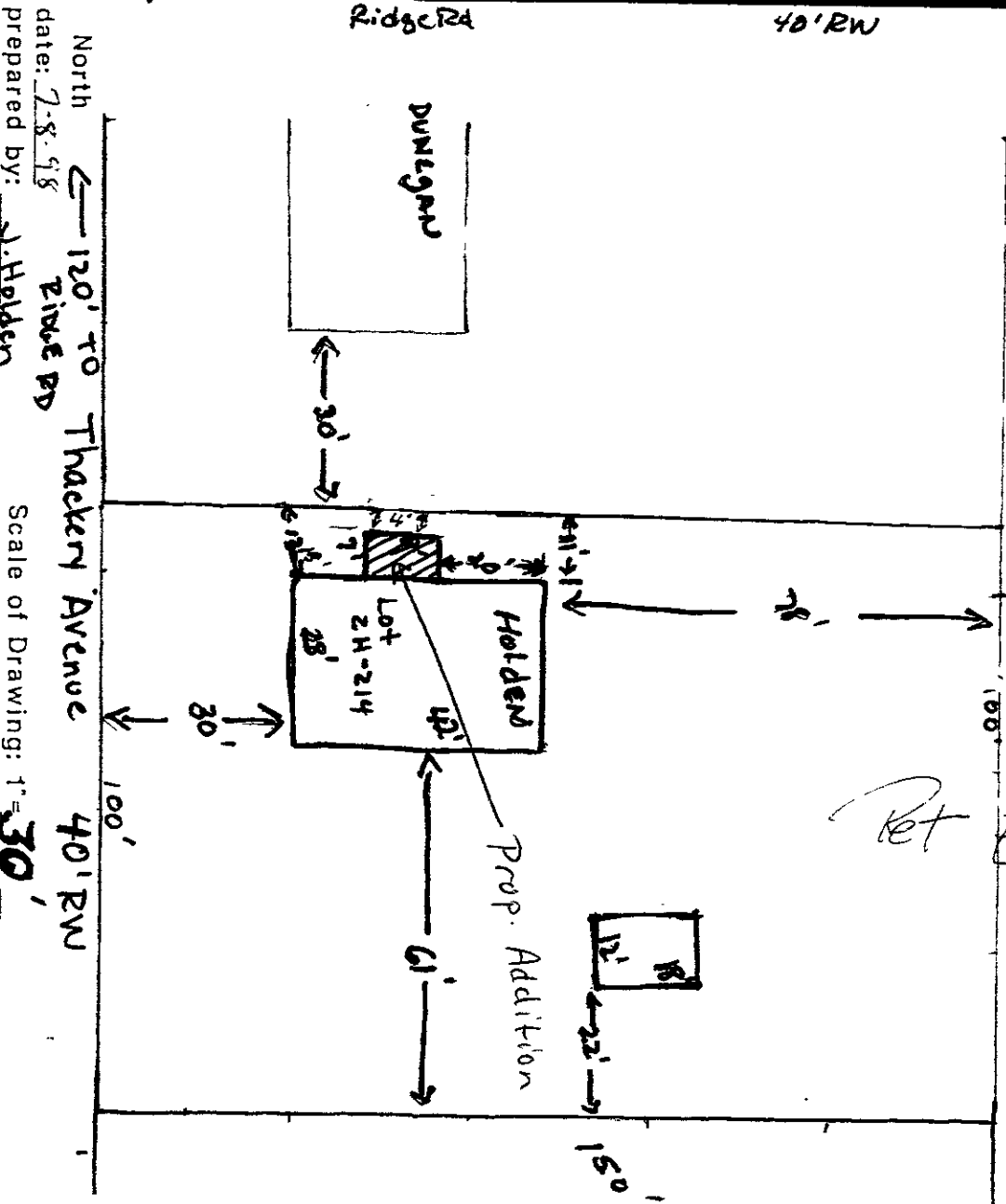
see pages 5 & 6 of the CHECKLIST for additional required information

Subdivision name: Oak Forest Park

plat book # 5, folio # 90, lot # 244, section # 211

OWNER: Robert + Jeanne Holden

Ret Ex 1



LOCATION INFORMATION

Election District: 01

Councilmanic District: 1

1"-200' scale map#: SW 4-G

Zoning: LT 211-214

Lot size: 35 acreage 15,000 square feet

SEWER: ☒ public ☐ private
WATER: ☒ public ☐ private
Chesapeake Bay Critical Area: ☐ yes ☒ no
Prior Zoning Hearings: ☐

Zoning Office USE ONLY

reviewed by: ITEM #: CASE #:

50

99-50-A

#50

PARK DR

S 12,000

10000' W

D.R. 2

N 52,000

RIDGE
BROOK

D.R. 2

HILTON

ROAD

D.R.
3.5

ROUTE

SW 46
1st - 2001

BROOK
S 13,000

THACKERAY

AVE

AVE

TREDEGAR

AVE

RD

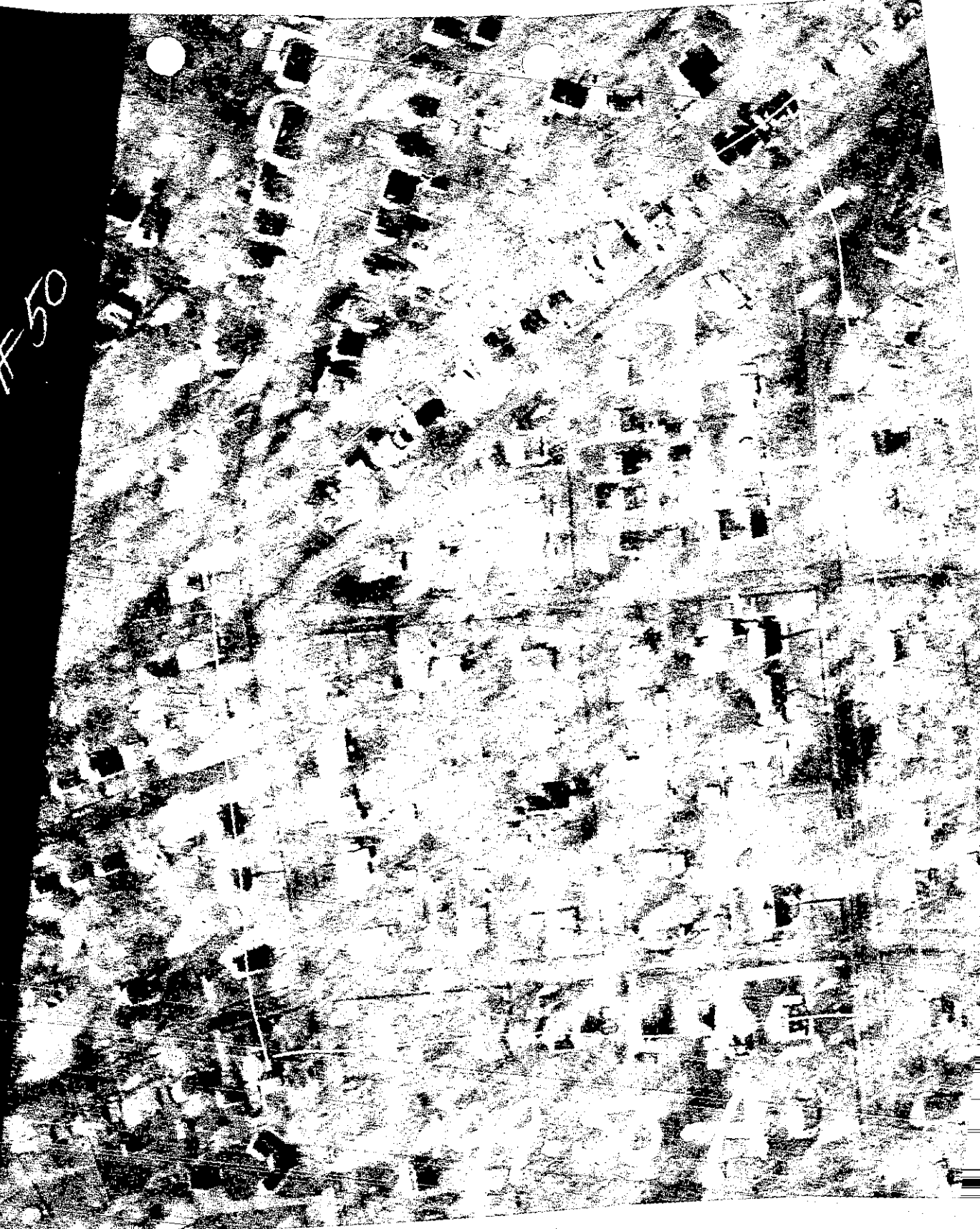
99-50-A

met S-W 40

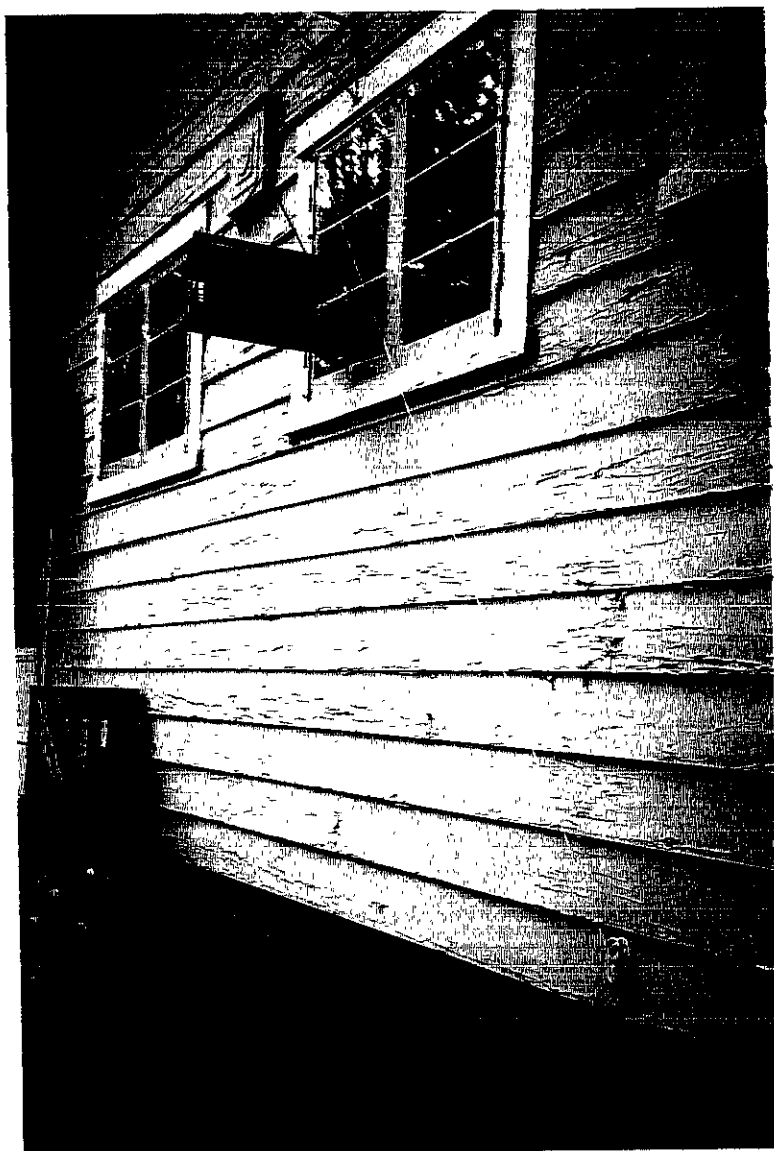
CATONSVICCE

1"=200'

#50



99-50-A



DRAWING REQUEST FORM

DATE: August 4, 1998

TO: Eric Rockel

FROM: Lois Bergman

FILE: FORMER PIKESVILLE FIRE STATION
SP 13-113

REQUEST: WE ARE FORWARDING HERewith THE ABOVE MENTIONED FOLDER.
PLEASE PREPARE AN ORIGINAL DRAWING FOR:

- () 1. FEE TAK
- (X) 2. AREA TO
- () 3. EASEMEN
- () 4. EASEMEN

July 30, 1998

DESCRIPTION OF PROPERTY: V

PROPERTY OWNER: BALT

LIBER/FOLIO:

DRAWING AND ITEM #: SP 1

DATE ASSIGNED : 8/4/98

FOLLOW-UP DATE: _____

ADDITIONAL INFORMATION:
and excepting the are
RW 96-235-4.

Ms. Stevens,
Enclosed are photos to
go with case # 99-50-A.
I was in with planner John
Lewis this morning and forgot
these. Please place with
our case.

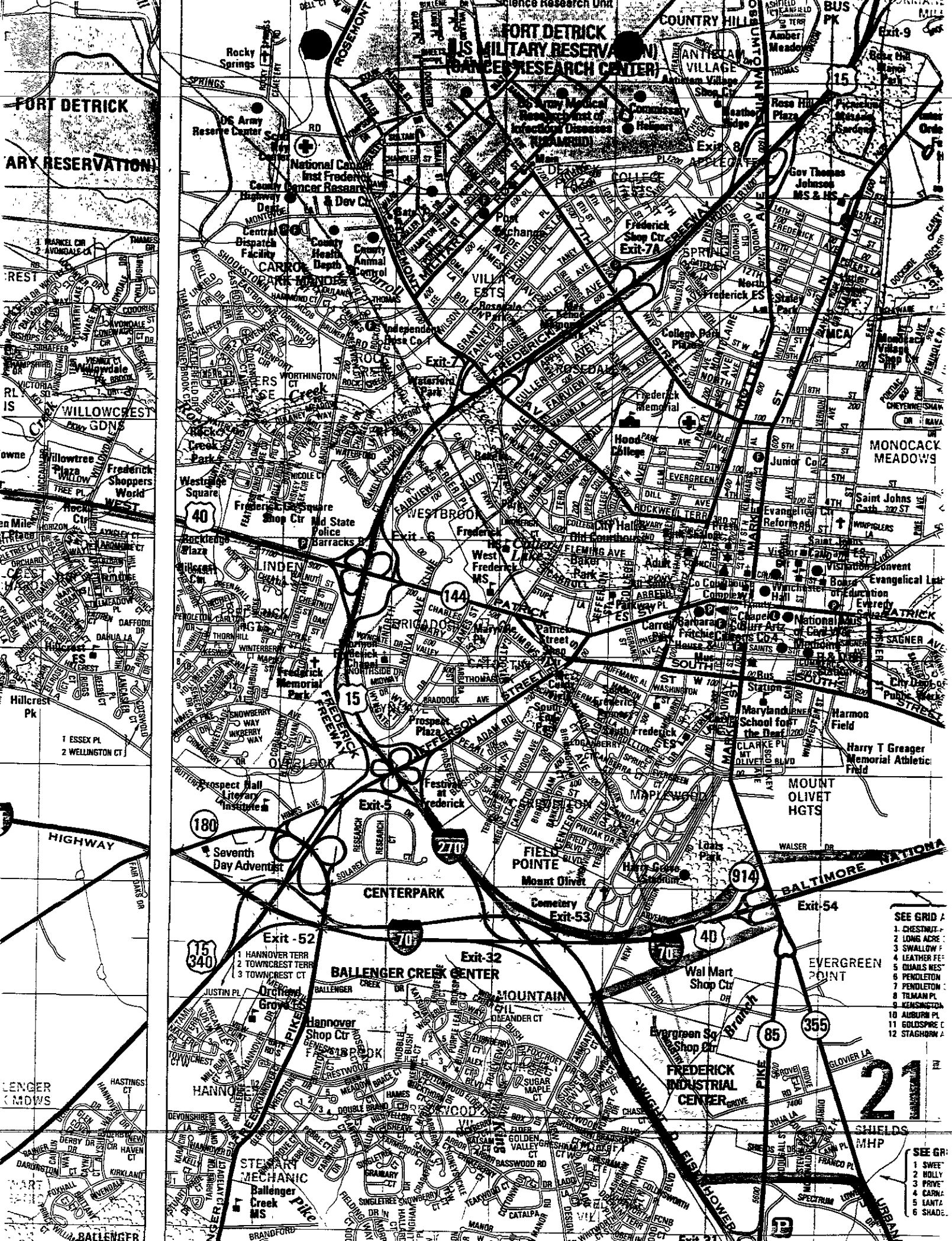
aving
ane -

Sincerely,

Jeanne Holden
303 Thackery Ave
Catonsville, MD 21228
HM 410-747-8525
WK 410-744-4664

99-50-A





99-50-A



To: JLL
see DD for
microfilm
Copy 8/4/98
uc
#cashier

August 4, 1998
Dear Mr. Jablon,

I am requesting a written response to the letter I sent dated July 27, 1998, concerning Case No. 87-29-SPH. I spoke with John Lewis on July 31, 1998 at which time he stated that the information pertaining to this case is contained in the archives on microfilm. I am enclosing the a site plan drawn to scale showing the building envelope dimensions as granted and the \$10.00 fee for a written response.

Thank you,

Mr. and Mrs. Chuck Turek
4907 Ridge Rd.
Baltimore, MD 21237
(410-391-0272)